

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6216

BILL NUMBER: SB 29

DATE PREPARED: Jan 19, 2002

BILL AMENDED: Jan 17, 2002

SUBJECT: Utility Generation and Clean Coal Technology

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FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill encourages construction of new electric generating facilities in Indiana to be fueled utilizing the Illinois Basin coal resources. It directs the Indiana Utility Regulatory Commission (IURC) to encourage clean coal and energy projects through financial incentives. The bill directs the State Utility Forecasting Group to conduct an annual study on the use, availability, and economics of using renewable energy resources in Indiana and to submit a report of its findings to the IURC.

Effective Date: July 1, 2002.

Explanation of State Expenditures: *IURC:* The bill could have an administrative impact on the IURC in so far as it will require the Commission to develop a mechanism for approving the clean coal and energy projects that qualify for the financial incentives provided in the bill. The bill will also require the IURC and Office of the Utility Consumer (OUCC) to develop additional ratemaking procedures for the qualified utilities.

State Utility Forecasting Group: The bill expands the scope of State Utility Forecasting Group. It requires the Group to conduct an annual study on the use, availability, and economics of using renewable energy resources in Indiana and to submit a report of its findings to the IURC for inclusions in the Commission's annual report to the Regulatory Flexibility Committee. The Group's activities are funded by the IURC.

While the provisions above could increase the costs of the IURC and OUCC, it is presumed that any increase will be covered using existing resources or using the funding mechanism currently provided for in law. (See *Background on IURC and OUCC Funding*, below)

Department of Commerce: The bill requires firms which qualify for the incentives to submit a monthly report the Department of Commerce on the quantity and price of Illinois Basin coal purchased for use in new generation facilities, the occupation and use taxes paid on the coal, and other information that the Department

may require. The Department is expected to absorb any increase in administrative costs caused by the provision.

Background on IURC and OUCC Funding: The operating budgets of the IURC and OUCC are funded by regulated utilities operating in Indiana. The IURC determines the rate at which to bill the utilities based on the two agencies' budgets, less reversions, divided by the total amount of gross intra-state operating revenue received by the regulated utilities for the previous fiscal year. Based on this formula, utilities are currently billed approximately 0.10% of their gross intra-state operating revenues to fund the IURC and OUCC. In FY 2001, fees from the utilities and fines generated approximately \$8.6 M.

The bill would allow qualifying clean coal energy producers to receive up to additional 3% rate of return over what they would have otherwise received. If electricity rates increase, the state's utility costs could potentially increase.

Explanation of State Revenues: If the provisions in this bill is able to generate new investment in Indiana, it could increase the revenue the state receives from the various corporate taxes. Likewise, if more jobs are created, the state's Income and Sales Tax base would also increase.

Explanation of Local Expenditures: Local governmental entities, including schools, would be subject to any increases in the cost of the electricity caused by the provisions in this bill.

Explanation of Local Revenues: If this bill encourages firms to make additional investments in Indiana, it could increase the property tax base of local taxing units.

State Agencies Affected: Indiana Utility Regulatory Commission; Office of the Utility Consumer Counselor; Department of Commerce; Legislative Council.

Local Agencies Affected: Local governmental entities.

Information Sources: